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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LIONEL N. ALLEN; RALPH P. DAVIS;
MICHAEL OATEZ; MONICA OATEZ;
M.O., a minor, by and through her guardian
ad litem, MICHAEL OATEZ; MICHAEL
A. FLEURY; and, JOHNNY D. STOKES,

Action No. C-07-03509-PJH

**STIPULATION AND PROPOSED ORDER
FOR CONTINUATION OF CASE
MANAGEMENT CONFERENCE**

Plaintiffs,

vs.

CITY OF SAN LEANDRO, a municipal corporation;
JOSEPH KITCHEN, in his capacity as Chief of Police
for CITY OF SAN LEANDRO; and, DOES 1-25,
inclusive, individually, and in their capacity as
San Leandro police officers,

Defendants.

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2 **STIPULATION**

3 All parties to this action stipulate and agree, by and through their respective counsel,
4 as follows:

5 1. Plaintiff's counsel, Ms. Libet, was very ill, including hospitalization, and has just become
6 well enough to prepare the First Amended Complaint. Hence, plaintiffs are just now filing a
7 First Amended Complaint in this action. Thus, defendants will not be filing a responsive
8 pleading to the original Complaint, but will file a responsive pleading to plaintiffs' First
9 Amended Complaint;

10 2. The parties have previously filed a Stipulation and Proposed Order Allowing Plaintiffs to
11 File a First Amended Complaint;

12 3. Since no responsive pleading has been filed by defendants, and the case has not progressed
13 further, a Case Management Conference at this time would not be useful to the parties and would
14 waste the Court's time; and,

15 4. Therefore, the parties request that this Court continue the Case Management Conference
16 presently scheduled for February 14, 2008 at 2:30 p.m. and the Case Management Conference
17 Statement, presently due on February 7, 2008, for approximately one and a half months.

18 **LAW OFFICES OF GAYLA B. LIBET**

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20 Dated: 1-24-08

21 By: 

22 GAYLA B. LIBET, Esq.
23 Attorneys for Plaintiffs

24 **LAW OFFICES OF JOHN L. BURRIS**

25 Dated: 1-24-08

26 By: 

27 JOHN L. BURRIS, Esq.
28 Attorneys for Plaintiffs

MAYERS, NAVE, RIBACK, SILVER & WILSON

Dated: 1/24/08By: Tricia L. HynesTRICIA L. HYNES, Esq.
Attorneys for Defendants**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

HONORABLE PHYLLIS J. HAMILTON
United States District Court Judge